

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

James Stile

v.

Civil No. 13-cv-071-PB

Bruce Pelkie, Superintendent,
Strafford County House of Corrections,
and David L. Cargill, Jr., United States Marshal
for the District of New Hampshire¹

O R D E R

Before the court for a preliminary review is pro se petitioner James Stile's petition for writ of habeas corpus (doc. no. 1) filed pursuant to 28 U.S.C. § 2241. Stile is a federal criminal defendant in the custody of the United States Marshals Service in pretrial detention at the Strafford County House of Corrections ("SCHC") in Dover, New Hampshire, awaiting further proceedings in a criminal case in the District of Maine, United States v. Stile, No. 1:11-cr-00185-JAW (D. Me.). The matter is before the court to determine whether the petition is

¹Stile has named both the Strafford County Department of Corrections and the United States Marshals Service as the respondents in this action. The proper respondent is Stile's current custodian. See 28 U.S.C. § 2243 (writ shall be directed to petitioner's custodian). The court has substituted the Strafford County House of Corrections superintendent and the United States Marshal for the District of New Hampshire for those respondents named by Stile, and directs the clerk's office to correct the docket accordingly.

facially valid and may proceed. See Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts ("§ 2254 Rules"); see also § 2254 Rule 1(b) (authorizing court to apply § 2254 Rules to habeas corpus petitions filed under § 2241). For reasons stated in the report and recommendation issued this date, the court grants Stile leave to amend the petition to provide this court with an update on his current classification and conditions of confinement at the SCHC, and to state whether any review of his classification and or confinement conditions has occurred affecting his confinement conditions at SCHC.

Conclusion

Stile is granted leave to file an amended petition, within fourteen days of the date of this order, describing, with specificity:

1. The nature of Stile's conditions of confinement at SCHC, and/or security classification, for the duration of his stay there;
2. Whether Stile had any opportunity, after his transfer to the SCHC, to challenge the imposition of restrictive conditions of confinement and/or to obtain SCHC or USMS review of his security classification at the SCHC, and the results, if any, of such review.

After receipt of Stile's response to this order, or the expiration of the time granted for Stile to file a response, this court will conclude its preliminary review of the petition, pursuant to § 2254 Rule 4.

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

August 7, 2013

cc: James Stile, pro se

LBM:nmd